

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Saint Paul District

FILE NUMBER: MVP-2004-158575-GRK

REGULATORY PROJECT MANAGER: Gary Knapton **Date:** 09/20/2004

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office (Y/N)** Y **Date:** 09/20/04

At the project site (Y/N) N **Date:**

PROJECT LOCATION INFORMATION:

State: Wisconsin

County: Winnebago

Center coordinates of site by latitude & longitude coordinates:

Lat /Long 44.137791315, -88.514727

Approximate size of site/property (including uplands) in acres

94 acres

Name or waterway of watershed: Neenah Slough, Lower Fox River, Wisconsin

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands			X						
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?					X

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: **Approved**

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

No field visit of the site has been conducted. Based on wetland data sheets provided in a delineation report by the consultant, there are 3 isolated wetland depressions and 1 manmade shallow excavation. The excavated area was a borrow pit and is 2.98 acres in size. According to the consultant, all the isolated areas are surrounded by non-hydric soils. .

The delineation report indicates there are 8 distinct wetland areas on the site of which 4 are isolated. Of the 18.18 acres of wetland on the property, 3.79 acres have been determined to be isolated. The data supplied in the delineation report indicated that there is no surface water connection to navigable or inter-state aquatic resource areas for the 4 isolated wetlands.